

BEST AVAILABLE COPY

#21 Reg for Refund
03-24-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: *James et al.*

Title: PLANT GENE SEQUENCES I

Serial No.: 09/394,519

Filing date: September 13, 1999

Examiner: Epps, J. L.

Group Art Unit: 1635

Commissioner for Patents
Box Refunds
Washington DC 20231

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Dear Sir:

On October 16, 2002, Applicants' counsel, Morrison & Foerster LLP, filed a Petition For Three-Month Extension of Time (copy enclosed) in the instant application, and authorized the fee of \$920.00 to be charged to Deposit Account No. 03-1932, Morrison & Foerster LLP.

On November 15, 2002, Applicants filed a divisional patent application (Attorney Docket No. MBI-0003-2 DIV) based on Application No. 09/394,519, the instant Application. Along with the divisional Application documents, an additional Petition For a Three-Month Extension of Time (copy enclosed) was filed by actual mistake and the fee of \$920.00 was authorized to be charged to Deposit Account No. 50-1025, Mendel Biotechnology, Inc.

It is respectfully requested that a refund of the fee be credited to Deposit Account No. 50-1025, Mendel Biotechnology, Inc., as the Petition For Extension of Time filed November 15, 2002 was mistakenly submitted with the divisional application that on November 15, 2002.

Respectfully submitted,

Date: 23rd December 2002

By:

Matthew R. Kase, D.Pat.
Registration No. 44,817

Mendel Biotechnology, Inc.
21375 Cabot Blvd.
Hayward, California 94545
Phone: (510) 259-6120
Fax: (510) 264-0254

Please type a plus sign (+) inside this box -> ☒

PTO/SB/21 (08-00)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Please use this form with Form PTO/SB/21 (08-00) and Form PTO/SB/22 (08-00) to file a request for a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

Application Number	02/244,110
Filing Date	September 15, 2002
First Named Inventor	James D. HARRIS
Current Address	1035
Examiner Name	J. Egan
Attorney Name	514442002200

- ☒ Fee Transmittal Form - 1 pg M DUPL
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/Declarations
- ☒ Extension of Time Request (3 mgs), (extension to and including November 18, 2002) - 1 pg
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Affidavits/Declarations
- ☐ Drawings
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Request to Amend to a Provisional Application
- ☐ Request for Extension of Time to File a Provisional Application - 3 pgs
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD Number of (CDs)

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

1. COUNTERY COPIES OF POWER OF ATTORNEY AS FILED - 5 pgs

Return Receipt Postcard

SIGNATURE OF APPOINTED ATTORNEY OR AGENT

Firm or Individual Name	Marshall & Pomeroy, LLP 420 Madison Avenue, New York, NY 10017 Michael R. Pomeroy, Esq.
Signature	<i>Michael R. Pomeroy</i>
Date	October 16, 2002

Check only one box: ☒ Express Mail ☐ Registered Mail

Express Mail Label No. NY 072 535 257 US

Date of Deposit: October 16, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: National Center for Intellectual Property, Washington, D.C. 20231.

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TOTAL AMOUNT OF PAYMENT

Printed last at 10:25 a.m. on 11/11/2011

1950

INTERPRETATION

1. [X] The Computer is a mystery

Circle 44 on Reader Service Card

Application states cover only states. See 27 CFR 1.201

2. ☐ **Present Patient**☐ Check ☐ Credit Card ☐ Money Order ☐ Bill

PRE-CALCULATION

1. BASIC PLUMBING

Large Fee Code	Small Fee Code	Small Fee Code	Small Fee Code	Fee Description	Fee Code
101	740	201	370	Utility Billing fee	1000
106	330	206	190	Custom Billing fee	1000
107	510	207	250	Plant Billing fee	1000
108	740	208	370	Telephone Billing fee	1000
114	180	214	80	Franchise Fee fee	1000

SUBTOTAL (1) \$ 1,000.00

2. EXTRA CLAIM FREE

	2007	2006	2005	2004
Total Claims	257	2	7	6
Independent Claims	257	2	7	6

Indirectly Dependent

Large Pax Code	Entry Pax (\$)	Small Pax Code	Entry Pax (\$)	Pax Description
100	10	200	0	Change to normal 100
102	04	200	42	Increased to 42 for 102
104	200	204	100	Change to 100 for 104
106	04	200	42	Increased to 42 for 106
108	10	200	0	Change to normal 100

RESEARCH

7-10-1964

[illegible]

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— **THE UNIVERSITY OF CHICAGO PRESS**

SUBMITTED BY

Name (Print/Type)	Michael R. Ward
-------------------	-----------------

SECRET

2011年12月15日

(415) 233-6237

DATE: 08-14-2002

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.130(a)

Applicant/Inventor Name: SHANG, et al.	
Application Number 09/204,319	Date September 13, 1999
For PLANT GENE SEQUENCES I	
Class/Art Code 1639	Examiner J. Epps

This is a request under the provisions of 37 CFR 1.130(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ 110.00
- ☐ Two months (37 CFR 1.17(a)(2)) \$ 400.00
- ☒ Three months (37 CFR 1.17(a)(3)) \$ 920.00
- ☐ Four months (37 CFR 1.17(a)(4)) \$1,440.00
- ☐ Five months (37 CFR 1.17(a)(5)) \$1,960.00
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

unt.

- ☒ The Commissioner is hereby authorized to charge \$920.00 (for extension to and including November 16, 2002) and any additional fees which may be required, or credit any overpayment, to Deposit Account Number 03-1952. I have enclosed a duplicate copy of this check. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

- I am the: ☐ applicant/inventor
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ attorney or agent of record.
- ☐ attorney or agent under 37 CFR 1.24(c).
Registration number if acting under 37 CFR 1.24(c): _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide name, title, and information and authorization on PTO-2038.

October 16, 2002
Date

Michael R. Ward
Signature

Michael R. Ward (Reg. No. 38,651)
Title or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representatives are required. Submit multiple forms if more than one signature is required.

Approved for Release 10/13/2002: OMB 0651-0032
PTO/SB/05 (03-01)
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Distribution of information unless it displays a valid OMB control number.
1-121-0003-2 DIV

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

PATENT TRANSMITTAL

(Only for new applications filed under 37 CFR 1.53(b))

APPLICATION ELEMENTS

Content application contents.

See MPEP chapter 600 concerning utility patents.
See Transmittal Form (e.g., PTO/SB/17)
and a duplicate for fee processing.
and a duplicate for fee processing.

- See Mr. [] Fee Transmittal (Submit an original and a duplicate copy.)
 1. ☒ Applicant claims small entity status. See 37 CFR 1.27. [Total Pages 43]
 2. ☐
 3. ☒ Specification (Preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure

4. ☐ **Oath or Declaration**

- ☐ Newly executed (original or copy)
☐ Copy from a prior application (37 CFR 1.63 (d))
☒ (for continuation/divisional with Box 18 completed)
- DECLARATION OF INVENTOR(S)**
 I, the undersigned, declare that I am the inventor of the invention described in the attached deleting inventor(s) application.
- Signature of Inventor: _____ Date: _____
 Signature of Attorney: _____ Date: _____

DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
37 CFR 1.76

6. ☐ Application Data Sheet. See 37 CFR 1.76.

18. If a CONTINUING APPLICATION, check appropriate box:
or in an Application Data Sheet under 37 CFR 1.76:

☐ **Continuation**
Prior application information:
INFORMATION OR

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of Box 5b, is considered a part of the disclosure of the accompanying specification. The incorporation can only be relied upon when a portion has been previously disclosed.

☒ Customer Number or Bar Code Label

Name _____

Address

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Name (Print/Type)

U.S. Patent and Trademark Office
to a collection of information unless it displays a

Attorney Docket No.	MBI-0003-2 DIV
	ZHANG, James
	INVENTOR

Attorney Docket No.	MBI-300
First Inventor	ZHANG, James

ANT GENE SEQUENCE

First Inventor
Title **PLANT GENE SEQUENCE**
Express Mail Label No. **EV 041 967 796 US**
Assistant Commissioner for P
Patent Application
MAR 20231

PLANT GEN. EV 041 967 750
Express Mail Label No.
ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231
Seals, large table or

- ADDRESS TO: Box 1000
Washington, DC 20001
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- iii. ☐ Other (specify):
- iv. ☐ Other (specify):
- ix. ☐ Other (specify):
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- clxxxxxxxi. ☐ Other (specify):</

☒ Statements verifying identity of above

ACCOMPANYING APPLICATION PARTS

☒ Papers (cover sheet & document(s) Power of Attorney

- ACCOMPANYING APPLICATION PAPER**
9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable) ☐ Copies of U.S. Citations
12. ☒ Information Disclosure Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. (b)(2)(B)(i). Applicant must attach for its equivalent.
17. ☒ Other: 37 CFR 1.821-1.825 Statement below and in a preliminary

of prior application No.: 09, 394
Group Art Unit: 1635

Group Art Unit

1635

application, from which an oath of
fidelity application and is here
submitted application

ADDRESS

19. CONCLUSIONS

(Insert C)

23618

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PATENT-HOUSE-OF-ICE

State

Technical

Registrati

Matthew R. Kaser, D. Phil

estimated to take 0.2 hours to complete. Time will vary depending on the complexity of the information requested. Information should be sent to the Chief Information Officer at the following address: **THIS ADDRESS.**

Under the Paperwork Reduction Act of 1995, no person is required to furnish information to the U.S. Patent and Trademark Office unless it is specifically requested by the U.S. Patent and Trademark Office.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

PTO Form 202 (10-00)
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Docket Number (Optional)
1581-0003

In re Application of	SHANG, James et al.
Application Number	00/304,519
For	PLANT GENE SEQUENCES
Group Art Unit	1636
Filed	8/13/1999
Examiner	J. L. Epps

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.
The requested extension and appropriate non-small-entity fee are as follows:
(check time period desired):

- ☐ One month (37 CFR 1.17(a)(1))
- ☐ Two months (37 CFR 1.17(a)(2))
- ☒ Three months (37 CFR 1.17(a)(3))
- ☐ Four months (37 CFR 1.17(a)(4))
- ☐ Five months (37 CFR 1.17(a)(5))

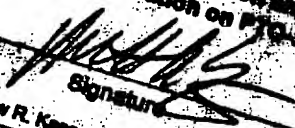
claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown reduced by one-half, and the resulting fee is: \$
The amount of the fee is enclosed.

\$
\$
\$ 520.00
\$
\$

credit card. Form PTO-2038 is attached.
has already been authorized to charge fees in this
Deposit Account.
hereby authorized to charge any fees which may be required,
ent, to Deposit Account Number 50-1025
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of the entire interest. See 37 CFR 3.71.
37 CFR 3.73(b) is enclosed. (Form PTO/SB/98).
37 CFR 1.34(a).
under 37 CFR 1.34(a).

become public. Credit card information should not
ard information and authorization on PTO Form


Signature
Matthew R. Kaser, D.Phil., Reg. No. 44,817
Typed or printed name
or their representative(s) are required. Sign and print

very depending on the circumstances of the individual case. For more
Chief Information Officer, U.S. Patent and Trademark Office
SEND TO: Assistant Commissioner for Patents, Washington, DC

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/394,519

Filing Date 09/13/1999

First Named Inventor ZHANG, James

Group Art Unit 1638

Examiner Name Epps, J. L.

Total Number of Pages in This Submission 10

Attorney Docket Number MBI-0003

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☒ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Transmittal, Fee Transmittal, Petition For Extension of Time of 10/16/02; Transmittal, Fee Transmittal, Petition For Extension of Time of 11/15/02; Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name Mendel Biotechnology, Inc.
Matthew R. Kaser, D.Phil., Reg. No. 44,817
21375 Cabot Blvd., Hayward, CA 94545

Signature

Date

23rd December 2002

CERTIFICATE OF MAILING

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